THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on :04.04.2007

WP(C) No.1997/2007

PREM SHANKAR SHARMA ...Petitioner

- versus -

THE STATE GOVT. OF NCT DELHI & ORS. ...Respondents

Advocates who appeared in this case:
For the Petitioner : Mr Prem Shankar Sharma
For the Respondent No.1&2 : Mr Maneesh K. Shukla
For the Respondent No.3. : Mr Romy Chacko

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

+ CM NO. 4612/2007 in WP (C) 1997/2007
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This is an application for early hearing. The counsel for the parties are present. There is no reason as to why this application ought not to be allowed. The writ petition shall be taken up for hearing straightaway. The date of 23.04.2007 stands cancelled.

WP (C) 1997/2007

1. The petitioner is the father of Alok Ranjan, who sought admission at the St. Xavier's Senior Secondary School, 4 Raj Niwas Marg, Delhi, to the

Prep class for the academic year 2007-2008. The petitioner is aggrieved because his son Alok Ranjan has been denied admission. According to him, the Ganguly Committee Recommendations ought to have been followed by the school and if the same were to be followed, then his son would have secured admission in the said school.

2. The counsel appearing on behalf of the school submitted that the school is an unaided minority institution and as such the Ganguly Committee Recommendations do not apply. He also referred to the decision of this Court in the case of ***Kirti Sisodia v. Directorate of Education*** WP(C) 895/2007 passed on 08.02.2007, wherein it was held that unaided minority institutions have complete freedom, insofar as the procedure to be adopted for admission is concerned. It was also held that the Ganguly Committee was alive to the situation and specifically provided in paragraph 5.8 of the said report that the minority schools, established under Article 30(1) of the Constitution, should have freedom to administer and admit children and this right remains safeguarded. The Ganguly Committee in paragraph 4.7 of its report also made it clear that under the School Specific Criteria, insofar as minority schools are concerned, their rights have been clearly safeguarded not only with regard to admitting children of the minority community but also other children in general.

3. The learned counsel appearing on behalf of the school submitted that although the Ganguly Committee report would not be applicable to the school in question, they have complied with the recommendations inasmuch as they have followed the point system as indicated by the Ganguly Committee. The point system involves the granting of points for different criteria which include:-

1. Neighbourhood
2. Sibling
3. Alumni
4. Any child with special needs
5. Education Qualifications
6. Girl Child
7. Any other parameters which the school may like to fix as per their needs/requirements.

If the Ganguly Committee report is to be followed and even if it is to be assumed that the petitioner resides within 3 kilometers of the school, the petitioner's son would be entitled to a maximum of 20 points under the Neighbourhood criteria. He would get 0 points out of 20 under the Sibling criteria and he would get 0 out of 10 under the Alumni criteria. Since the petitioner's son is handicapped, he may be awarded full 5 points under the criteria “any child with special needs”. Insofar as the Education Qualifications

of the parents are concerned, since the petitioner is a postgraduate, he would get 10 points and since the petitioner's wife (the mother of the child seeking admission) is a graduate, 8 points would be awarded. Under the criteria "Girl Child", 0 points would be awarded out of 5 and under the School Specific Criteria, the petitioner's son would get 0 points. The School Specific Criteria was specified in the admission form itself. 20 points were to be awarded for this under the following category:-

"Immediate Neighbourhood	:	10 points
Other Minorities	:	05 points
Applicants from Armed Forces, Paramilitary and Educationists	:	05 points"

4. The criteria "Immediate Neighbourhood" implies that the petitioner ought to be residing within one kilometer of the school. Admittedly, the petitioner is not residing within one kilometer of the school. Therefore, he would get 0 points. Insofar as the other categories are concerned, since the petitioner is neither a member of a Minority Community nor does he belong to the Armed Forces, Paramilitary forces nor is he an educationist, 0 points would be awarded. Therefore, under the School Specific Criteria, the petitioner's son would get no points at all. Totaling all the points in this manner, the petitioner's son would, in the maximum, be entitled to 43 points. This is on the assumption that the petitioner is residing within three kilometers. The cut-off for admission to the said school was 45 points, as indicated by the counsel for the respondent

No. 3. But, since the petitioner, who appears in person, insists that the cut-off was 44, for the purposes of this petition, I shall take it to be 44. Even then the petitioner's son does not qualify for admission to the said school.

5. In these circumstances, even if the Ganguly Committee Recommendations are followed, the petitioner's son would not be entitled to admission to the said school.

This writ petition is dismissed.

BADAR DURREZ AHMED
(JUDGE)

April 04, 2007
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